IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7410 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

N S SUMANT

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7410 of 1988

MR MR ANAND for Petitioner No. 1

MR MR MENGDE, AGP for Respondent Nos. 1-2

NOTICE SERVED for Respondent No. 3

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 01/10/2002

ORAL JUDGEMENT

By filing this petition under Article 226 of the

Constitution, the petitioner has prayed to treat her as senior to the respondent No.3, and to consider her case for future promotion with all other benefits of service on the basis that she is the senior-most in the joint cadre of Senior Laboratory Assistant/Sample Warden.

2. Mr. S.D.Sangada, Public Relation Officer, F.& D.C.A., Gandhinagar, has filed an affidavit-in-reply on behalf of the respondent No.2 controverting the averments made in the petition. From the record, it is evident that the petitioner has retired from service with effect from January 31, 1997 on attaining the age of superannuation. Under the circumstances, I am of the opinion that the petition has become infructuous and deserves to be disposed of accordingly. The petition is, therefore, dismissed. Rule is discharged with no order as to costs. The petition stands disposed of as having become infructuous. Liberty is reserved to the petitioner to move the Court in case of difficulty.

(J.M.Panchal,J.)

(patel)